

FILED

Case 1:08-cv-00704

Document 8

Filed 02/04/2008

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E-FILED

FEBRUARY 4, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA
SCANNED at PCC and E-Mailed
Wednesday, 23 January, 2008 11:54:31 AM
Clerk U.S. District Court, ILCD

1-22-08 (date) by SE (initials)
15 (# of pages)

DONALD MASCO

Plaintiff,

vs.

No. 08-1028

ROGER WALKER and Eddie JONES

Defendant,

PETITION

TO: THE U.S. DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS.

The petition of DONALD MASCO, for HABEAS CORPUS, PER 28 U.S.C. 2254 (C)

pursuant to 735 ILCS 5/10-102 et. seq. (1992), states as follows:

1. I DONALD MASCO, in whose behalf the petition is applied

for, is confined or restrained of liberty at PONTIAC C.C., PONTIAC

Illinois LIVINGSTON County, by Warden Eddie Jones

respondent above named, Chief Administrative Officer of said correctional center.

2. Name and location of court under whose process plaintiff is confined: COOK COUNTY

COURTS 2600 S. CALIFORNIA AVE. CHICAGO, IL 60608

3. Nature of the crime and case number resulting in confinement: ROBBERY

06CR0026201

4. The length of sentence is THREE YEARS

and a copy of commitment is attached hereto and incorporated herein as "Exhibit A".

5. The date of judgment, order, or decree for confinement is 10-24-07

6. I entered a pleas of Guilty/Not Guilty

7. I was convicted by a Bench Trial/Jury Trial.

8. Was an appeal taken? NO

9. If you answered "yes" to question "8", list:

(a) Name of court N/A

(b) Disposition N/A

(c) Date of disposition N/A

(d) Issues raised N/A

10. If the answer to question "8" was "no", state the reasons for not appealing:

NO KNOWLEDGE OF THE LAW (ect.)

11. Have any other applications, petitions, or motions been filed or made in regard to the same detention or restraint? NO

12. If you answered "yes" to question "11", list:

(a) Name of court N/A

(b) Disposition N/A

(c) Date of disposition N/A

(d) Issues raised N/A

13. I believe that I am being held unlawfully on the following grounds:

B. DOUBLE JEOPARDY

A. DUE PROCESS VIOLATIONS

AND EQUAL PROTECTION VIOLATIONS

A. Ground one:

DUE PROCESS AND EQUAL PROTECTION VIOLATIONS

Supporting FACTS (state briefly without citing cases or law): MASCIO IS SUFFERING FEDERAL CONSTITUTIONAL SUBSTANTIVE DUE PROCESS AND EQUAL PROTECTIONS PROSCRIPTIONS IN THAT THE LEGISLATIVE PUBLIC ACT 80-1099 UNDER WHICH HIS SENTENCING STRUCTURE WAS EXTAPILATED AND IMPOSED FROM IS A BLATANT FORM OF AGE/GENDER DISCRIMINATION AND DUE PROCESS VIOLATIONS AND CONSTITUTIONAL RIGHTS BEING UNLAWFULLY DENIED BY BEING DENIED OF AN PRB HEARING WITHOUT THE PERSON AND OR BODY OF PETITIONER BEING PRESENT AT THE HEARING (FOR I WAS ON A COURT WRIT). THEREFORE THE PRB AND THE DEFENDANT ROGER WALKER REVOKED MY G.C.C., PLUS THE ADJUSTMENT COMMITTEE AND THE ADMINISTRATIVE REVIEW BOARD THREW THE BOOK AT ME, WITHOUT ANY EVIDENCE OR PROOF (MASCIO WAS GETTING THE COLD SHOULDER) WHICH VIOLATED MASCIO'S 1ST AMENDMENT RIGHTS (ALSO) THIS BEING RETALIATORY FOR MASCIO BEING AN MINORITY & TELLING STAFF HE BECAME RELIGIOUS. MASCIO WAS THEN MAN HANDLED WITH EXCESSIVE FORCE, TREATED MALICIOUSLY AND BLATANTLY VIOLATED HIS 8TH AMENDMENT RIGHTS (8TH).

PETITIONER THEREFORE NOT BEING WITH EQUAL PROTECTION IN ALL THREE HEARINGS (AP, PRB AND ARB). THE ADJUSTMENT COMMITTEE VIOLATED MY RIGHTS BY NOT CALLING MY WITNESSES ON MY BEHALF. DR. 504.80F-2. SEE ALSO PEOPLE V. WHITFIELD; TAYLOR V. FRANZEN.

B. Ground two:

DOUBLE JEOPARDY VIOLATIONS

Supporting FACTS (state briefly without citing cases or law): MASCIO SUFFERED DOUBLE JEOPARDY VIOLATIONS BY BEING SENTENCED TO TWO CONCURRENT TERMS FROM ONE SINGLE INCIDENT AND COMMISSION OF ONE OFFENSE. SEE PUBLIC ACT 80-1099, 81-1270 (MITTIMUS ATTACHED AS EXHIBIT "A"). THE "A" EXHIBIT (MITTIMUS) REFLECTS MASCIO IS INCARCERATED FOR THE ROBBERY ON 11-5-05, A CLASS 2 FELONY 720 ILCS 5/18-1 AND ALSO PETITIONER CUGHT A "SAILHOUSE CASE" OF AGGRAVATED BATTERY CTS. I, III & IV. ALL 3 COUNTS OF A CLASS 3 FELONY 720 ILCS 5/12-4 HABITUAL CRIMINAL ACT 338 OF THE 1977 PUBLIC ACT. 80-1099 AND ITS RETROACTIVE AMENDING 1980 PUBLIC ACT. 81-1270 EX(B)(C) BOTH SENTENCES 5TH DIST. APPELLATE COURT MODIFIED TO CONCURRENT TERMS FOR LACK OF VIOLENCE (PARKER V. PEOPLE, 141 ILL. APP. 386413. CONSTITUTIONAL STATUTORY AND CASE LAW INVOLVED U.S. CONSTITUTIONAL AMEND. V, VIII AND XIV ILL. CONSTITUTION ARTICLE I SEC. 2, 10 AND 18, 1977) PUBLIC ACT 80-1099, 1980 PUBLIC ACT. 81-1270 2ND DIST. APP. CRT. PEOPLE V. RICHARDS NO. 82-703 (1983); THOMPSON V. SPEARS,

91 F.2d 430 (1937); AVERY v. MIDLAND CO. TX. 33 S. CT. 1114, 390 U.S. 474 20 LED 2d 1485 (1968).

THE APPELLATE CRT. RESENTENCING TO CONCURRENT TERMS NEITHER SAID COURT, CIRCUIT COURT BELOW NOR APPOINTED TRIAL OR APPELLATE COUNSEL FOR MASCO, TOOK PLAIN ERROR NOR JUDICIAL NOTICE OR STATUTORY MANDATE TO COMPEL A MERGING OF CASE AND OF THE COMMISSION OF THE INCIDENT INTO ONE SENTENCE, AND THEREBY VIOLATED HIS GUARANTEE TO ONE SENTENCE; AND THEREBY VIOLATED HIS GUARANTEE ALSO UNDER THE ILLINOIS STATE CONSTITUTION ARTICLE ONE SEC. 10 IN THAT NO PERSON SHALL BE COMPELLED IN A CRIMINAL CASE

TO BE TWICE PLACED IN JEOPARDY FOR THE SAME OFFENCE" WITH OUT/WILLOUGHT KNOWING THAT" WHERE CASE OR CONVICTION IS BASED ON SAME PHYSICAL

A LOT AS ARMED VIOLENCE

CONVICTION THE LATER MUST BE

VACATED. SEE EX(D) ILL. APP. CRT. 2d DIST.

PEOPLE V. RICHARDS NO. 82-703;

SEE ALSO PEOPLE V. FASTER 250

ILL., DEC. 148

137 N.E. 2d 1125 (2000)

HENCE THIS IS EQUALLY VIOLATED

X DONALD MASCO

NOTE: PETITIONER HAVE NO OTHER PETITION NOR APPEAL NOW PENDING IN ANY OTHER COURT AS TO THE JUDGMENT UNDER ATTACK AND THIS IS THE PROPER VENUE FOR REDRESS.

(B) Ground two: _____

N/A

(C) Ground three: _____

N/A

(D) Ground four: _____

N/A

14. Have all grounds raised in this petition been presented to the highest court having jurisdiction? _____

N/A

15. If you answered "no" to question "16", what grounds were not presented and why: _____

THIS IS
THE PROPER
VENUE AND
COURT OF Redress

16. Do you have any other petition or appeal now pending in any court, either state or federal, as to the judgment under attack? _____

NO

17. If you answered "yes" to question "18", list:

EXHIBIT
A

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS)	CASE NUMBER	06CR0026201
V.)	DATE OF BIRTH	04/10/71
DONALD MASCIO)	DATE OF ARREST	12/05/05
Defendant	IR NUMBER	0927387
	SID NUMBER	028728890

ORDER OF COMMITMENT AND SENTENCE TO
ILLINOIS DEPARTMENT OF CORRECTIONS

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	720-5/18-1(a)	ROBBERY	YRS. 003 MOS.00	2
and said sentence shall run concurrent with count(s) _____				
_____			YRS. _____ MOS. _____	_____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:				
_____			YRS. _____ MOS. _____	_____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:				
_____			YRS. _____ MOS. _____	_____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:				
_____			YRS. _____ MOS. _____	_____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:				

On Count _____ defendant having been convicted of a class _____ offense is sentenced as a class x offender pursuant TO 730 ILCS 5/5-5-3(C)(8).

On Count _____ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 0296 days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____

AND: consecutive to the sentence imposed under case number(s) _____

IT IS FURTHER ORDERED THAT CORRECTED MITT - CREDIT FOR 296 DAYS _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

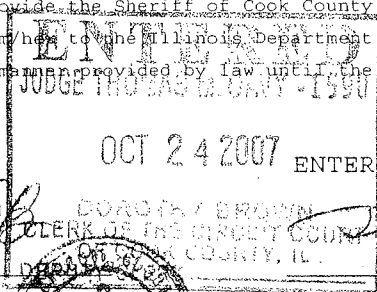
DATED OCTOBER 24, 2007

OCT 24 2007

ENTER: 10/24/07

CERTIFIED BY L SUTTON

DEPUTY CLERK



JUDGE: DAVY, THOMAS M.

1590

07.421A-J

EXHIBIT
"B"

SENTENCE CALCULATION WORK SHEET

SINGLE OR CONCURRENT DETERMINATE SENTENCES UNDER 1978 LAW AND JAIL CREDIT

NAME DONALD MASCOLO NUMBER B15769 DATE 10-30-07

(STEP 1) (A)

Yr. Mo. Day

-		(Rel. on Bond, Etc.)
-		(Arrest Date)
		(Jail Credits)
+	1	(Add 1 Day)
		(Jail Credits)

(STEP 1) (B)

Yr. Mo. Day

-		(Rel. on Bond, Etc.)
-		(Arrest Date)
		(Jail Credits)
+	1	(Add 1 Day)
		(Jail Credits)

(STEP 1) (C)

Yr. Mo. Day

-		(Rel. on Bond, Etc.)
-		(Arrest Date)
		(Jail Credits)
+	1	(Add 1 Day)
		(Jail Credits)

(STEP 1) (D)

Yr. Mo. Day

-		(Rel. on Bond, Etc.)
-		(Arrest Date)
		(Jail Credits)
+	1	(Add 1 Day)
		(Jail Credits)

(STEP 2)

Yr. Mo. Day

+		(Jail Credits - A)
+		(Jail Credits - B)
+		(Jail Credits - C)
+		(Jail Credits - D)
		(Total Jail Credits)

(STEP 3)

Yr. Mo. Day

06	9	11	(Old Custody/
			Sentence Date)
-	9	26	(Total Jail Credits)
05	11	15	(New Custody Date)

(STEP 4) (MITTIMUS NO. 06CR0026201)

PROJECTED OUT DATE

Yr. Mo. Day

05	11	15	(New Custody Date)
+	1	6	(Sentence Less
			Good Conduct Credits)
07	5	15	(Projected Out Date)
+	1		(Previous Time
			Lost/Awarded) <u>Revoked</u>
08	5	15	(Adj. Proj. Out Date)

(STEP 5)

MANDATORY OUT DATE

Yr. Mo. Day

05	11	15	(New Custody Date)
+	3		(Sentence)
08	11	15	(Mandatory Out Date)

Adj. Proj. Out Date 5-15-08Mandatory Out Date 11-15-08Calculated By ra

Terminal Operator _____

Date Entered _____

Rec'd corrected mitt #06CR0026201, giving 296 days
jail credit. New custody date is 11-15-05.

- (a) Name of court N/A
- (b) Disposition N/A
- (c) Date of disposition N/A
- (d) Issues raised N/A
- _____
- _____

WHEREFORE, Plaintiff prays that a PETITION OF HABEAS CORPUS directed to the Defendant above named, issued for the purpose of inquiring into the cause of the imprisonment and restraint of the Plaintiff, and the delivering him therefrom, pursuant to law (28 U.S.C. 2254(c)),

Respectfully submitted,

/s/

X Donald Mascio
 Plaintiff, pro se
 Number B15769
 P.O. Box 99
PONTIAC, Illinois
 Zip code 61764

AFFIDAVIT

I, DONALD MASCIO, deposes and says that as to the petition herein, he is the plaintiff in the above entitled cause; that he has read the foregoing document, by his signed and that the statements contained therein are true in substance and in fact.

s/s

X Donald Mascio
 Plaintiff, pro se

3. In further support of my motion, I declare that (check appropriate answer):

☒ I am not currently, nor previously have been represented by an attorney appointed by this Court in this or any other civil or criminal proceeding before this Court.

☐ I am currently, or previously have been, represented by an attorney appointed by this Court in the proceeding(s) described on the following page.

4. In further support of my motion, I declare that (check appropriate answer):

☒ I have attached an original Application to Proceed in Forma Pauperis detailing my financial status.

☐ I have previously filed an Application to Proceed in Forma Pauperis in this proceeding and it is a true and correct representation of my financial status.

☐ I have previously filed an Application to Proceed in Forma Pauperis in this proceeding; however, my financial status has changed and I have attached an amended Application to Proceed in Forma Pauperis to reflect my current financial status.

5. I declare under penalty of perjury that the foregoing is true and correct.

X Donald Harris

Movant's Signature

P.O. Box 99 #B15769

Street Address

PONTIAC, IL. 61764

City/State/Zip

DATE: 1/22/08

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

DONALD MASCIO (B15769)
Plaintiff(s)

v.

ROGER WALKER AND EDDIE JONES
Defendant(s)

Case Number _____

Judge _____

MOTION FOR APPOINTMENT OF COUNSEL

1. I, DONALD MASCIO, declare that I am the plaintiff in the above-entitled proceeding and state that I am unable to afford the services of an attorney, and hereby request the court to appoint counsel to represent me in this proceeding.
2. In support of my motion, I declare that I have made the following attempts to retain counsel to represent me in this proceeding:

I HAVE WRITTEN LETTERS
TO ATTORNEYS
ALL TO NO
AVAIL, NONE
OF THEM WOULD
REPRESENT ME.

United States District Court
CENTRAL DISTRICT OF ILLINOIS

DONALD MASCO

v.

ROGER WALKER AND
EDDIE JONES.

APPLICATION TO PROCEED IN
FORMA PAUPERIS, SUPPORTING
DOCUMENTATION AND ORDER

CASE NUMBER:

I, DONALD MASCO, declare that I am the (check appropriate box)

☒ petitioner/plaintiff

☐ movant (filing 28 U.S.C. 2255 motion)

☐ respondent/defendant

☐ other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

I AM QUALIFIED FOR IMMEDIATE RELEASE
AND THE DEFENDANTS HAVE FAILED TO
PROPERLY CALCULATE MY SENTENCE

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes ☐ No ☒

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

N/A

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

06' \$10.00 PER MONTH APPROX

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment

Yes ☐ No ☒

b. Rent payments, interest or dividends?

Yes ☐ No ☒

c. Pensions, annuities or life insurance payments?

Yes ☐ No ☒

d. Gifts or inheritances?

Yes ☒ No ☐

e. Any other sources?

Yes ☐ No ☒

1-C

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

\$10.00 SUMS - MOM

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes ☒ No ☐ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

SEE ATTACHED

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒

If the answer is "yes," describe the property and state its approximate value.

N/A

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

1-22-08

(Date)

X Donald Morris

Signature of Applicant

CERTIFICATE

(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months the applicant's average balance was \$ _____

Authorized Officer of Institution

ORDER OF COURT

The application is hereby denied

United States Judge

Date

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge
or Magistrate

Date

2-C

Time: 9:15am

d_list_inmate_trans_statement_composite

Pontiac Correctional Center

Trust Fund

Inmate Transaction Statement

Page 4

3-C

REPORT CRITERIA - Date: 04/12/2007 thru End; Inmate: B15769; Active Status Only ? : No; Print Restrictions ? : Yes;
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print
 Balance Errors Only ? : No

Inmate: B15769 Mascio, Donald

Housing Unit: PON-N -03-04

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
Beginning Balance:							50.11
04/17/07	Mail Room	01 MO/Checks (Not Held)	107225	1066907	Mascio, Mary	10.00	60.11
04/17/07	Mail Room	04 Intake and Transfers In	107225	28896	Vandalia C.C.	-4.16	55.95
04/24/07	Mail Room	04 Intake and Transfers In	114225	28981	Vandalia C.C.	1.36	57.31
05/04/07	Mail Room	01 MO/Checks (Not Held)	124262	P1071276	Mascio, Mary	10.00	67.31
05/16/07	Disbursements	84 Library	136320	Chk #63150	507100, DOC - Library Copies, Inv. Date: 05/08/2007	-35	66.96
05/16/07	Disbursements	84 Library	136320	Chk #63150	507104, DOC - Library Copies, Inv. Date: 05/08/2007	-35	66.61
05/16/07	Disbursements	84 Library	136320	Chk #63150	507074, DOC - Library Copies, Inv. Date: 05/08/2007	-45	66.16
05/16/07	Disbursements	84 Library	136320	Chk #63150	505909, DOC - Library Copies, Inv. Date: 04/25/2007	-1.55	64.61
05/16/07	Disbursements	90 Medical Co-Pay	136320	Chk #63151	507467, DOC: 523 Fund Reimburs, Inv. Date: 05/10/2007	-2.00	62.61
05/16/07	Disbursements	90 Medical Co-Pay	136320	Chk #63151	505789, DOC: 523 Fund Reimburs, Inv. Date: 04/24/2007	-2.00	60.61
05/16/07	Disbursements	90 Medical Co-Pay	136320	Chk #63151	505338, DOC: 523 Fund Reimburs, Inv. Date: 04/18/2007	-2.00	58.61
05/16/07	Disbursements	80 Postage	136320	Chk #63152	507693, Pitney Bowes Bank, Inc, Inv. Date: 05/11/2007	-1.11	57.50
05/16/07	Disbursements	80 Postage	136320	Chk #63152	505825, Pitney Bowes Bank, Inc, Inv. Date: 04/24/2007	-1.59	55.91
05/16/07	Disbursements	80 Postage	136320	Chk #63152	505266, Pitney Bowes Bank, Inc, Inv. Date: 04/17/2007	-2.79	53.12
05/23/07	Point of Sale	60 Commissary	143731	244613	Commissary	-14.22	38.90
05/24/07	Point of Sale	60 Commissary	144731	244742	Commissary	13.07	51.97
06/14/07	Disbursements	90 Medical Co-Pay	165320	Chk #63452	508998, DOC: 523 Fund Reimburs, Inv. Date: 05/29/2007	-2.00	49.97
06/14/07	Disbursements	90 Medical Co-Pay	165320	Chk #63452	508673, DOC: 523 Fund Reimburs, Inv. Date: 05/23/2007	-2.00	47.97
06/14/07	Disbursements	90 Medical Co-Pay	165320	Chk #63452	508408, DOC: 523 Fund Reimburs, Inv. Date: 05/21/2007	-2.00	45.97
07/30/07	Disbursements	99 Transfer Inmate	211320	Chk #63937	Menard CC, Inv. Date: 07/30/2007	-45.97	.00
09/14/07	Mail Room	01 MO/Checks (Not Held)	257262	710528	Mascio, Mary	10.00	10.00
10/10/07	Mail Room	04 Intake and Transfers In	283225	82044	Menard C.C.	12.37	22.37
10/11/07	Mail Room	01 MO/Checks (Not Held)	284225	725665	Mascio, Mary	10.00	32.37

Total Inmate Funds: 32.37

Less Funds Held For Orders: .00

Less Funds Restricted: 13.34

Funds Available: 19.03

Total Furloughs: .00

Total Voluntary Restitutions: .00

RESTRICTIONS

Invoice Date	Invoice Number	Type	Description	Vendor	Amount
09/20/2007	518224	Disb	Legal Postage	6967 Pitney Bowes Bank, Inc.	\$0.80

IN THE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

DONALD MASCO (B15769),
 Plaintiff,

) Case No. _____
)
)

v.
ROGER WALKER & Eddie Jones,
 Defendants

PROOF/CERTIFICATE OF SERVICE/NOTICE OF FILING

TO: _____

TO: LISA MADIGAN
IL. ATTORNEY GENERAL
500 S. SECOND ST.
Springfield, IL.
62706

PLEASE TAKE NOTICE that on JANUARY 22, 2008, I have placed the documents listed below in the institutional mail at PONTIAC Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: E-FILE

FEDERAL HABEAS CORPUS
MOTION TO Proceed IN FORMA PAUPERIS & MOTION FOR
APPOINTMENT OF COUNSEL

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: 1-22-08

/s/ X Donald Masco
 NAME: DONALD MASCO
 IDOC#: B15769
PONTIAC Correctional Center
 P.O. BOX 94
PONTIAC, IL 61764

VERIFICATION OF CERTIFICATION

I, DONALD MASCO, the undersigned, certify and state that:

1. I am the (Petitioner/Respondent) in the above captioned legal matter.
2. I have read the foregoing application and have knowledge of its contents;

and

3. Under penalties as provided by law pursuant to sec. 1-109 of the Code of Civil Procedure,

I certify that the statements set forth in the foregoing motion and this affidavit are true and correct except as to matters therein stated to be on information and belief, and as to such matters I certify that I believe the same to be true.

X Donald Masco
(Your signature)

ORDER

The foregoing application is:

_____ Granted

_____ Denied

Judge ~~Dist~~ Court